

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Robert F. Starnes, Jr.,

Plaintiff,

v.

Case No. 2:14-cv-1699

T. Austin Stout, et al.,

Judge Michael H. Watson

Defendants.

ORDER

On September 11, 2015, Magistrate Judge Kemp issued a report and recommendation ("R&R") recommending the Court grant two pending motions to dismiss, ECF Nos. 12 & 13, in this prisoner civil rights case. R&R, ECF No. 20. Magistrate Judge Kemp recommended concluding that Plaintiff's claims brought pursuant to 42 U.S.C. § 1983 are barred by the statute of limitations and that Plaintiff's remaining claims are subject to dismissal for other various reasons.

The R&R notified the parties of their right to file objections to the R&R pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). R&R 13, ECF No. 20. The R&R further specifically advised the parties that the failure to object within fourteen days would result in a waiver of the right to de novo review by the District Judge and the right to appeal the decision of the District Judge adopting the R&R. *Id.* The deadline for filing such objections has passed, and no objections were filed. It appears, however, that Plaintiff failed to inform the Clerk's Office of his change in custody. *See A Guide For Pro Se Civil*

Litigants 14 (“[I]f your address or phone number changes, you must promptly notify the Court, in writing, of your new contact information. **If you fail to keep the Court informed of your current address/telephone number, your case may be dismissed for lack of prosecution.**”) (emphasis in original), available at <http://www.ohsd.uscourts.gov/pro-se>. As a result, the R&R was never served on Plaintiff and was returned as undeliverable. ECF No. 21.

Accordingly, having received no objections, the Court **ADOPTS** the R&R with the modification that Plaintiff’s Complaint is dismissed **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT